



DENTAL BOARD OF CALIFORNIA
2005 Evergreen Street, Suite 1550, Sacramento, CA 95815
P (916) 263-2300 F (916) 263-2140 | www.dbc.ca.gov

DENTAL BOARD OF CALIFORNIA QUARTERLY BOARD MEETING MINUTES

MAY 16-17, 2018

Hyatt Regency Orange County
11999 Harbor Boulevard, Pacific Room
Garden Grove, CA 92840

Members Present:

Thomas Stewart, DDS, President
Fran Burton, MSW, Public Member, Vice
President
Yvette Chappell-Ingram, Public Member,
Secretary
Steven Chan, DDS
Ross Lai, DDS
Lilia Larin, DDS
Huong Le, DDS, MA
Meredith McKenzie, Public Member
Abigail Medina, Public Member
Steven Morrow, DDS, MS
Rosalinda Olague, RDA, BA
Joanne Pacheco, RDH
Bruce L. Witcher, DDS
James Yu, DDS, MS

Staff Present:

Karen M. Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Carlos Alvarez, Enforcement Chief
Jocelyn Campos, Associate Governmental Program Analyst
Zachary Raske, Associate Governmental Program Analyst
Allison Viramontes, Associate Governmental Program Analyst
Jeri Westerfeld, Executive Assistant
Michael Santiago, Legal Counsel

Members Absent:

Wednesday:
Yvette Chappell- Ingram

Thursday:
Abigail Medina

(Joined the meeting on May 16th at
11:30 a.m.)

(Joined the meeting on May 16th during
Closed Session)

Agenda Item 1: Call to Order/Roll Call/Establishment of Quorum

A regular meeting of the Dental Board of California (Board) was called to order by Dr. Stewart, at 9:00 a.m. on Wednesday, May 16, 2018. Jeri Westerfeld, called roll and a quorum was established.

Agenda Item 2: Board President Welcome and Report

Dr. Stewart provided a verbal report. He recently attended the Board Member Orientation Training where Dean Grafilo, Director of the Department of Consumer Affairs (DCA) advised the participants to be inquisitive, work well with others, and to use DCA resources. Consumer Protection is the mission for Board activities.

Dr. Stewart thanked the Dental Hygiene Committee of California (DHCC) for its assistance with the Rulemaking to amend the California Code of Regulations (Cal. Code of Regs.), Title 16, Section 1005 relating to the Minimum Standards for Infection Control. He thanked the DHCC and the DBC staff for working together on the infection control issues.

Dr. Stewart appointed Board member Rosalinda Olague to the License, Credential, and Permit (LCP) Committee.

Agenda Item 3: Introduction of New Board Members

Dr. Stewart and Ms. Fischer introduced the newly-appointed Board members: Dr. Lilia Larin; Ms. Rosalinda Olague, Registered Dental Assistant (RDA); and Ms. Joanne Pacheco, Registered Dental Hygienist (RDH). Each new Board member shared information about their backgrounds.

Agenda Item 4: Approval of the February 8-9, 2018 Board Meeting Minutes

Motion/Second/Call to Question (M/S/C): (Morrow/Burton) to approve the February 8-9, 2018, meeting minutes with the following corrections:

Ms. Fischer requested Page 11, 2nd paragraph be changed to read: “...*the Board should consider or at least discuss statutory changes to allow a student who is using the California Portfolio program at their school in another state, to utilize reciprocity towards the pathway of licensure in California (i.e. students in Iowa).*”

Dr. Stewart requested this item be agenized for future/August meeting.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin			✓		
Le	✓				
McKenzie				✓	
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

The motion passed, and the minutes were accepted with the requested changes.

Agenda Item 5: Appointment to the Elective Facial Cosmetic Surgery (EFCS) Permit Credentialing Committee

Dr. Stewart stated the Elective Facial Cosmetic Surgery (EFCS) permit credentialing committee consisted of 3 (three) oral surgeons/dentists and 2 (two) medical doctors. He asked Dr. Whitcher, Board Liaison for the EFCS Committee, to give a report regarding recruitment findings.

Dr. Whitcher provided an overview of Dr. Louis Gallia’s curriculum vitae. Dr. Gallia is currently serving as one of the two Oral and Maxillofacial surgeons on the EFCS committee and offered to change positions to fill the EFCS vacancy for a physician and surgeon licensed by the Medical Board, which is a difficult position to fill. Dr. Whitcher recommended Dr. Gallia be switched to this vacancy.

M/S/C (Medina/Chan) to accept Dr. Whitcher’s recommendation and request staff to begin recruitment for the Oral and Maxillofacial surgeon to fill behind Dr. Gallia.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie				✓	
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed, and staff is directed to start recruitment for Oral and Maxillofacial surgeon for the EFCS Permit Committee.

Agenda Item 6: Budget Report

Mr. Zachary Raske provided an overview of expenditures through February 28, 2018, of fiscal year (FY) 2017-18 for both the Dentistry and Dental Assisting funds.

The State Dentistry Fund expended 55% of its total fund appropriation through February 2018, which is approximately 16% lower than last year at this time. The State Dental Assisting Fund expended approximately 53% of its total fund appropriation through the same period.

Ms. Sarah Wallace reminded Board members to focus on the total expense line items and not each expenditure. The Board is working with the DCA Budget Office to display the individual expenditures line items more accurately.

Agenda Item 7: Appointments to the Dental Assisting Council

Dr. Whitcher and Ms. Burton were appointed to a subcommittee to review applications and conduct interviews. They recommended the following candidates to serve on the Dental Assisting Council:

Ms. Anne Contreras, Ms. Cindy Ovard, and Ms. Pamela Peacock.

M/S/C: (Burton/Lai) to appoint Ms. Anne Contreras to the vacant faculty position on the Dental Assisting Council. Ms. Contreras previously served the Council in the capacity of an RDA.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie				✓	
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed, and Ms. Anne Contreras was appointed to the vacant faculty position.

M/S/C: (Burton/Larin) to appoint Ms. Cindy Ovard to the faculty position on the Dental Assisting Council.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie				✓	
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				

Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed, and Ms. Cindy Ovard was appointed to one of the vacant faculty position.

M/S/C: (Burton/Le) to appoint Ms. Pamela Peacock to the vacant RDA position on the Dental Assisting Council.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie				✓	
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed, and Ms. Pamela Peacock was appointed to the vacant RDA position.

Dr. Morrow requested that his question regarding Business and Professions Code Section 1742 b.2. requirement of “5 years prior” be agendized regarding whether this is at a full-time or part-time base.

Agenda Item 8A: Staff Update on Dental Assisting Program

Ms. Wallace provided a report on vacancies in the Dental Assisting Unit.

Agenda Item 8B: Update on Dental Assisting Program and Course Applications

Ms. Wallace gave an overview of the information provided. The newly recruited evaluators have completed 8 (eight) site visits/re-evaluations.

Agenda Item 8C: Update regarding RDA Program Re-evaluations

Student failure rates on exams are being analyzed to prioritize re-evaluation of RDA programs. Board staff is in the process of recruiting additional subject matter experts (SME) to review curriculum and didactic infection control requirements. The Board is on schedule to complete re-evaluation of all programs within 18 months. There are currently 97 RDA programs approved in the California and 20 of those are approved by the Commission on Dental Accreditation (CODA).

Public Comment:

Dr. Gagliardi, representing the California Association of Dental Assisting Teachers (CADAT), stated that the Cal. Code of Regs., Section 1070.2(b) allows the Board to accept the findings of any commission or accreditation agency approved by the Board.

Agenda Item 8D: Update on Dental Assisting Examination Statistics

Ms. Wallace provided an overview of the dental assisting examination statistics. The Office of Professional Examination Services (OPES) has not expressed concern over the Registered Dental Assisting with Extended Functions (RDAEF) Written and Practical exams failure rates during their review.

Agenda Item 8E: Update on Dental Assisting Licensing Statistics

Ms. Wallace gave an overview of the information provided.

Agenda Item 8F: Update regarding the Combining of the RDA Law and Ethics and General Written Examinations

Ms. Wallace provided a report of the exam. The blackout period takes place between May 15, 2018, through May 22, 2018, with the new combined exam available May 23, 2018. Psychological Services Incorporated (PSI) is requesting 4-6 weeks to begin sending results to candidates. Staff is instructing candidates not to start calling until a week after that time.

OPES has established the passing score. If an exam is failed, it must be retaken again within two years.

Public Comment:

Dr. Guy Acheson, Academy of General Dentistry (AGD), asked if a person with a lapsed license wants to reactivate their license, will they now have to take the combined exam, or will they have an option of just taking Law & Ethics exam?

Dr. Lai, LCP Committee Chair, responded that each case is reviewed on an individual basis, but there is only one exam now available.

Agenda Item 8G: Discussion and Possible Action Regarding the Scope of Practice for the RDAEF 2 as submitted by Joan Greenfield, representative of RDAEF Association and J Productions Dental Seminar's Inc

Ms. Greenfield, representative of the RDAEF Association and J Productions Dental Seminar's Inc, requested the following items be included on the meeting agenda for the Board's discussion and consideration: 1) Placement of Gingival Retraction Cord; 2) Removal of the Placement of Gingival Retraction Cord from the RDAEF clinical examination as a separately graded Item; 3) Change the procedures on the RDAEF restorative examination; 4) Addition of the administration of local anesthesia; and 5) Addition of the administration of nitrous oxide.

This item was tabled and referred to the Dental Assisting Council for their August meeting.

Agenda Item 9A: 2018 Tentative Legislative Calendar

Ms. Viramontes gave an overview of the information provided.

Agenda Item 9B: Discussion and Possible Action on Legislation:

Ms. Viramontes reported Board staff are currently tracking 49 (forty-nine) bills pertaining to the review of administrative regulations as it relates to anesthesia and sedation, the DCA, healing arts boards and their respective licensees, licensing boards, and the CURES database. Staff will only be presenting on 13 (thirteen) bills to the Board for review and consideration.

AB 224 (Thurmond) Dentistry: anesthesia and sedation

No movement or discussion.

AB 2086 (Gallagher) Controlled substances: CURES database

M/S/C (Morrow/Burton) to approve staff's recommendation to support AB 2086.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie				✓	
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed to support AB 2086.

Ms. McKenzie joined meeting at 11:30 a.m.

AB 2138 (Chiu) Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction

Ms. Wallace stated this bill would present challenges to the licensing and enforcement process. There are a number of changes in this bill that would change the way the Board reviews applicants and makes decisions for licensure.

M/S/C (Burton/Le) to accept staff's recommendation to continue to watch.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				

Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed, to continue to watch AB 2138.

AB 2483 (Voepel) Indemnification of public officers and employees: antitrust awards.
M/S/C (Burton/Whitcher) to approve staff's recommendation to continue to watch.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed to continue to watch AB 2483.

AB 2643 (Irwin) Dentistry: general anesthesia: health care coverage
M/S/C (Morrow/Burton) to accept staff's recommendation to continue to watch.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed to continue to watch AB 2643.

AB 2789 (Wood) Health care practitioners: prescriptions: electronic data transmission M/S/C (Whitcher/Morrow) to accept staff's recommendation to continue to watch.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed to continue to watch AB 2789.

SB 392 (Bates) Dentistry: report: access to care: pediatric dental patients
The bill is no longer relevant to the Board or its licensees due to the recent amendment.
It is now the Parental Empowerment Pilot Project.

SB 501 (Glazer) Dentistry: anesthesia and sedation: report
No further discussion warranted. The Board previously (8/2017) passed motion to continue to watch.

SB 1148 (Pan) Medi-Cal: restorative dental services
M/S/C (Burton/Whitcher) to accept staff's recommendation to continue to watch.

There was a discussion regarding when to the Board can change from a watch to a support/oppose motion. Ms. Burton, Legislative and Regulatory Committee Chair, explained the bill is in a suspense file and at this time she recommended not to change the Board's status.

Public Comment:

Mary McCune, California Dental Association (CDA), advised the bill was placed in suspense file because it was given a price tag of \$12 million dollars. Ms. McCune explained the use of silver diamine fluoride (SDF) was just to give dental provider another option instead of use of anesthesia.

Dr. Paul Reggiardo, California Society of Pediatric Dentistry, stated most commercial insurance programs are now allowing reimbursement for SDF and with this bill will allow SDF as reimbursement with Medi-Cal.

Dr. Guy Acheson, Academy of General Dentistry, explained SPD is a management tool to help patients who are too sick to utilize anesthesia and he hopes the Board will take a support position.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan		✓			
Chappell-Ingram				✓	
Lai	✓				
Larin		✓			
Le	✓				
McKenzie	✓				
Medina		✓			
Morrow	✓				
Olague		✓			
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed to continue to watch SB 1148.

SB 1238 (Roth) Patient records: maintenance and storage
M/S/C (Chan/Medina) to accept staff's recommendation to continue to watch.

Ms. Fischer stated this bill would probably require the Board to update regulations regarding Unprofessional Conduct (CCR, Section 1018.05) regarding destroying of records. The Board has not taken a position on how long a licensee should hold on to their patient records.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				

McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed to continue to watch SB 1238.

SB 1298 (Skinner) Increasing Access to Employment Act
M/S/C (Burton/Chan) to accept staff's recommendation to continue to watch.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed to continue to watch SB 1298.

SB 1482 (Hill) Dental hygienists
M/S/C (Burton/Chan) to accept staff's recommendation to continue to watch.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Whitcher	✓				
Yu				✓	

Motion passed to continue to watch SB 1482.

SB 1491 (Committee on Business Professions and Economic Development/Hill) Healing Arts

The Board approved language for submission for the Omnibus Bill proposal at the November 2017 meeting. All of the provisions requested by the Board were included in SB 1491.

Recess

The Board returned to open session at 2:00 p.m.

Agenda Item 11: Agenda Item 11: Discussion and Possible Action Regarding Status of Two-year Provisional Approval of the State University of Medicine and Pharmacy “Nicolae Testemitanu” of the Republic of Moldova’s Faculty (School) of Dentistry-Schools Response to Deficiencies Outlined by the Dental Board of California
M/S/C (Morrow/Larin) to grant full-approval for seven (7) years with the effective date of December 2, 2016, when provisional approval was passed.

Dr. Morrow gave a brief report on the two-year provisional approval.

There was a discussion that followed questioning when the approval was in effect does the Board have the ability to request further documentation to assess standards are still being met and request a plan to be established for re-assessment. Dr. Morrow reiterated that if there is a change in its program, it is the school’s responsibility to notify the Board in writing (within 30 days) if changes are made to the school’s location, mission, purpose, objectives, change of name, or shift or change in control of the organization.

Dr. Morrow suggested the Board look at legislation that would accept CODA approval of Foreign Dental Schools. He felt the Board should not be approving Foreign Dental Schools.

Public Comment:

Dr. Guy Acheson, AGD, stated that Moldova’s website advertises a 2-year international program.

Richard Polanco, former California Senator, stated the quality of education provided by the school has met competency measures.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai			✓		
Larin	✓				
Le		✓			
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher			✓		
Yu				✓	

Motion passed to grant full-approval for seven (7) years with the effective date of December 2, 2016.

Agenda Item 14: Presentation regarding Dental Anesthesia Data Collection Tool

Dr. Kaplan, Jung-Wei Chen, DDS, MSS, PhD, Rita Agarwal, MD, and James W. Tom, DDS, MS, FACD, gave a presentation on the dental anesthesia data collection tool created by the Pediatric Sedation Research Consortium and the American Academy of Pediatric Dentistry.

Agenda Item 9C: Discussion and Possible Action Regarding Draft Statutory Language to Update Definitions for General Anesthesia, Conscious Sedation, and Oral Sedation for Pediatrics and Adults

M/S/C (Burton/Chan) to accept staff's draft of the statutory language and begin the process for statutory change.

Ms. Fischer stated she received a stakeholder's request to address two of the Board's recommendations set forth in the Pediatric Anesthesia Study report, dated December 2016. The first recommendation was to update the definitions of general anesthesia, conscious sedation, and oral sedation for pediatric patients and adults, and the second recommends requiring the use of capnography for moderate sedation. Ms. Fischer is hopeful that introducing this simplified language and addressing only these two recommendations will move the Board's recommendations forward. Ms. Wallace advised the language change would have minimal fiscal impact.

Public Comment:

Dr. Paul Reggiardo, California Society of Pediatric Dentistry, asked why the language does not address oral conscious sedation vs minimal sedation. If the idea was to bring the language in line with the National guidelines, all have eliminated oral conscious sedation for minimal sedation.

Ms. Wallace responded stating that when the three bills were going through the legislature last year, staff was asked about fiscal impact. She stated that changes to the BreEze system are both costly and time consuming. Staff created changes that would have the least minimal fiscal impact while still be able to implement the language changes. Staff was trying to minimize fiscal impact while trying to move language forward.

Mary McCune, California Dental Association stated its working with stakeholders for SB501 proposed amendments and it will include language as provided here.

Gary Cooper, California Association of Oral and Maxillofacial Surgeons, (CaAOMS), and Dr. Jeff Ello, President of CaAOMS, expressed their opinion that these changes would start moving the process toward the Board’s report recommendations.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina				✓	
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu				✓	

Motion passed to approve this statutory language.

Recess at 3:50.

The Board convened in closed session at 4:15 p.m. to deliberate and take action on disciplinary matters. The closed session meeting of the Board adjourned at 5:40 p.m.

The LCP Committee convened in closed session at 5:45 p.m. to deliberate on applications for issuance of new licenses to replace cancelled licenses and to grant, deny, or request further evaluation of a conscious sedation (CS) permit and a general anesthesia (GA) permit. The closed session meeting of the LCP Committee adjourned at 6:20 p.m.

The Board returned to open session at 6:21 p.m.

The Board reconvened on Thursday, May 17, 2017 at 8:00 a.m.

Agenda Item 15: Call to Order/Roll Call/Establishment of Quorum

A regular meeting of the Board was called to order by Dr. Stewart at 9:07 a.m. on Thursday, May 17, 2018. Yvette Chappell-Ingram called roll and a quorum was established.

President Stewart introduced Dr. James Yu, one of the new Board members. Dr. Yu introduced himself and his background in dentistry.

Agenda Item 9D: Discussion of Prospective Proposals

Ms. Viramontes encouraged stakeholders to submit proposals in writing to the Board before or during the meeting for possible consideration at a future Board meeting.

Agenda Item 9E: Update on Pending Regulatory Packages

Ms. Viramontes provided a report on the status of each pending regulatory packages.

Ms. Fischer explained all four new Board members will be attending the June 6, 2018, Board Member Orientation Training presented by DCA. She also announced that this was Ms. Viramontes last meeting and wished her well in her future endeavors.

Agenda Item 10: Discussion and Possible Action Regarding Rulemaking to Amend California Code of Regulations, Title 16, Section 1005 Relating to Minimum Standards for Infection Control

Ms. Wallace gave an overview of the information provided. She explained that the emergency rulemaking to adopt emergency regulations due to AB 1277 is already in process, but staff is now presenting new language to initiate the regular rulemaking process.

Ms. Wallace asked the Board to consider and possibly approve the proposed regulatory language relative to the minimum standards for infection control, and direct staff to take the necessary steps to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and delegating authority to the Executive Officer to make any technical or non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, delegate authority to the Executive Officer to make any technical or non-substantive changes to the proposed regulations before completing the rulemaking process and adopt the proposed amendments to California Code of Regulations, Title 16, Section 1005 as noticed in the proposed text.

M/S/C (Whitcher/Stewart) to accept proposed language and notice the proposed language relating to Minimum Standards for Infection Control.

Public Comment:

Mary McCune, CDA, stated CDA will be submitting changes within the 45-day period.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan				✓	
Chappell-Ingram	✓				
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina				✓	
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed to accept proposed language and direct staff to notice proposed language.

Agenda Item 12A: Update on the Portfolio Pathway to Licensure

Ms. Wallace gave an update of the Board’s Portfolio pathway to licensure. Staff previously informed the Board that the first three short-term goals have been completed. Staff has been working on digitizing the Portfolio rubrics and grading sheets (the last short-term goal) and have reached out to California dental schools. Board members (Drs. Le and Morrow) have been invited to today’s CDA event in Anaheim to meet with all six (6) California Dental School Deans to address questions and concerns regarding the Portfolio to examination.

Agenda Item 12B: Western Regional Examination Board (WREB) Report

Dr. Le provided an update on the last review of the WREB examination that took place in October of 2017. There will not be another meeting until October 2018. She reminded the Board that there were some recent changes in the administering of the examination.

Dr. Norman Magnusson, WREB stated 41 to 42 states accept WREB as a pathway to licensure.

Agenda Item 13A: Review of Dental Licensure and Permit Statistics

Ms. Wallace reported on the dental licensure and permit statistics. She explained that retired license is considered an active license. In order to qualify for a retired licensee, the licensee must qualify for Social Security and predominantly practice for a not-for-profit. Retired renewals pay a reduced fee and must complete a reduced amount of Continuing Education (CE) credits. An inactive license is generally for a licensee who is either practicing in another state or who has decided not to practice. The inactive licensee must pay bi-annual renewal fees but does not have to complete CE units.

delinquent licenses are noticed once they have obtained delinquent status and then receive subsequent notice. Delinquent licenses can remain in a delinquent status for up to five years before being canceled. If the license is cancelled, the licensee would be required to apply for a new license if the licensee wanted to practice dentistry in California.

Agenda Item 13B: General Anesthesia and Conscious Sedation Evaluation Statistics
 Ms. Wallace reported on the GA and CS evaluation statistics.

Agenda Item 13C: Discussion and Possible Action Regarding Evaluators for On-Site Inspections and Evaluations

Ms. Wallace stated the Board’s current regulation specifies that two (2) evaluators are needed for each onsite inspection and evaluation for GA, Minor General Anesthesia (MGA), and CS permits. The regulation does not require remedial education if the licensee fails two onsite inspections. Staff is requesting the Board consider changing this requirement to two evaluators for the initial evaluation, and one evaluator for each subsequent evaluation. In the event of a failure of the onsite inspection and evaluation, two evaluators would be required for a re-evaluation. Staff is also requesting the Board consider requiring the completion of remedial education if a licensee fails two onsite inspections and evaluations. The Board could decide whether the permit is cancelled, or a third evaluation should be scheduled.

M/S/C (Burton/Chan) to direct staff to prepare proposed regulatory language to initiate a rulemaking at a future meeting,

Public Comment:

Dr. Guy Acheson, AGD, supports the concept of two evaluators for initial evaluation and one evaluator for renewal evaluation, especially when one is failed. He also noted that if one evaluator is utilized, there should be no personal relationship between licensee and evaluator.

Dr. Alan Felsenfeld, CDA, has been performing evaluations for a long time and experienced the difficulty of scheduling the on-site evaluations. Having a reduced number of evaluators will help the scheduling of on-site inspection renewals to be more timely.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram	✓				
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina				✓	
Morrow	✓				

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

Motion passed to direct staff to prepare proposed regulatory language and initiate as a rulemaking at a future meeting.

RECESS, returned to Open Session at 9:48 a.m.

Agenda Item 16: Ethics Training Presentation by Michael Santiago, Dental Board Legal Counsel

Mr. Michael Santiago, Dental Board Legal Counsel, shared his ethics training presentation, which is given at the Board Member Orientation Training.

Agenda Item 17: Executive Officer's Report:

Ms. Fischer provided her executive report to the Board. She reported on the following information: staffing vacancies, the DCA's Substance Abuse Coordination Committee Workgroup for review of Uniform Standard #4 per SB 796, relating to frequency of test for participants in probation and/or Diversion programs, the DCA's Licensing/Enforcement Performance Measures workgroups, update of the Diversion program contract, establishment of a Dental Public Health Training and Technical Assistance Center, update of BreZE maintenance contract, and update on University DeLaSalle dental school graduates.

Dr. Whitcher briefly updated the Board on the American Association of Dental Board (AADB) meeting he attended.

Agenda Item 18: Report of Dental Hygiene Committee of California (DHCC) Activities

Anthony Lum, Executive Officer of the DHCC, provided an update on the DHCC spring meeting in April 2018. The DHCC staff, who have been working with the DBC staff, received approval from their committee to move forward with the Rulemaking to Amend CCR, Title 16, Section 1005 Relating to Minimum Standards for Infection Control. The regulatory process should now move forward with rulemaking process and the DHCC will work with the OPES in the next few years to update the Law and Ethics Examination. Staff continues to complete evaluations of the dental hygiene academic programs and minor deficiencies are being addressed. The DHCC announced they will no longer subsidize their members participation in the Diversion program due to rising costs.

Agenda Item 19: Report of Department of Consumer Affairs (DCA) Staffing and Activities

Patrick Le, Assistant Deputy Director of the Office of Board and Bureau Services with the DCA, gave a report. There are two new external workgroups for licensing boards: 1) Licensing; and 2) Enforcement. These workgroups will provide an opportunity for staff

Dental Board of California

from different boards to share best practices and standards. Mr. Le also discussed the DCA Leadership Program. Interested staff should consider signing up for the program.

Agenda Item 20: Update Regarding Renewal of Board's Approval of the University of DeLaSalle Bajio School of Dentistry

In February, staff received the University's self-study renewal documentation and it was forwarded to subcommittee members, Drs. Le and Morrow, for individual review. The subcommittee members met in Sacramento (along with Ms. Fischer) to discuss their findings.

On April 25, 2018, a letter was mailed to the dental school for additional documentation and the subcommittee is now awaiting the additional documentation. University staff along with Missy Johnson, Specialist at Nielsen, Merksamer, Parrinelo Gross & Leoni, were available to respond to any questions Board members may have.

Agenda Item 21A: Diversion Program Report and Statistics

Mr. Alvarez reported on the Diversion program and statistics. The next (Diversion Evaluation Committee (DEC) meeting is scheduled on July 11, 2018, in Southern California.

The Board is currently recruiting for a public member position on the Northern DEC; two dental position on the Southern DEC; one physician/psychologist position on the Southern DEC; and a dental auxiliary position on both the Northern and Southern DECs.

Agenda Item 21B: Update Regarding Controlled Substance Utilization Review and Evaluation System (CURES 2.0) Registration

Mr. Alvarez reported on CURES Registration and Usage Statistics. The Drug Enforcement Administration has approximately 24,633 California dentists licensed to prescribe controlled Substances; however, as of April 2018, only 9662 DDS/DMD have registered in the CURES program. Mandatory CURES consultation becomes effective October 2, 2018. An e-mail blast will be sent out regarding the deadline and the website will be updated.

Agenda Item 21C: February 27, 2018, Statewide Opioid Safety Workgroup Meeting

Ms. Alvarez reported on the February 27, 2018, statewide Opioid Safety Workgroup Meeting. He reported that 58 of 61 local health departments accepted the offer to receive Narcan from the Naloxone Grant Program. The California Department of Public Health found an increased rate of 74.2% of newly reported Chronic Hepatitis C cases in persons ages 15-29 in California between 2011-2015.

Agenda Item 21D: Discussion regarding Senate Bill 1109 (Bates) - Controlled Substances: Schedule II Drugs: Opioids

Ms. Burton referred to materials forwarded to Board members, from the American Dental Association, which reported dentists wrote 6.4% of prescriptions for opioids in the United States in 2012. SB 1109 addresses the addiction, misuse and overdose of

prescription opioids as a public health crisis by putting some educational tools in place for patients, parents, minors, and prescribers to assist them in making decisions regarding prescriptions. This bill would amend Business and Professions Code, Section 1645, and the Board may, as a condition of license renewal, allow licentiates to complete a portion of the required CE credits with a Board-approved courses regarding the risks of addiction associated with the use of Schedule II drugs. The Board would be responsible to report the outcome of this additional courses in its next Sunset Review. The Board does not anticipate any significant fiscal impacts related to these requirements.

M/S/C (Chappell-Ingram/ Chan) to support SB1109 which allows opioid education to be part of CE units available.

Dr. Lai stated he does not believe Schedule II drugs are prescribed by dentist in large quantity. He felt the drug increase between ages 11 and 18 is a result of teenagers getting drugs somewhere else.

Ms. Fischer summarized two separate issues being discussed. First, does the Board want to support this bill, as amended on May 8, 2018, adding the course as a possible option for approved CE units to fill the requirement of 50 hours for dentist and 25 hours for dental auxiliaries. Second, does the Board want to begin the regulatory process to develop language to clarify if the CE units should be mandatory.

Public Comments:

Mary McCune, CDA, expressed concerns whether the Board would be able to meet 2019 dates for implementation.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram	✓				
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina				✓	
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

Motion to support SB 1109 passed and staff is to send letter of support to author and appropriate Assembly committee.

RECESS

Returned to Open Session at 12:46 p.m.

Agenda Item 22A: Review of Issues Identified During 2015 Legislative Oversight Hearing

Ms. Fischer discussed the process for Sunset Review. The document provided to the Board was the findings/recommendations from the prior Sunset Review conducted in Fiscal Year 2014-15. Included in the documents is the “Staff Recommendation” was the Oversight Committee staff and the “DBC Response” is what will be submitted in this report in Section 10. Ms. Fischer stated that this item is on the agenda, so staff can get direction from the Board for each finding/recommendation.

Drs. Morrow and Le left meeting to attend Dean’s Meeting at CDA Present event.

Agenda Item 22B: Review New Issues for 2019 Legislative Oversight Hearing

Staff requested this item be tabled for future discussion so that Drs. Morrow and Le could participate in the discussion. The Board agreed.

Agenda Item 23A: Review of Enforcement Statistics and Trends

Mr. Alvarez reported on the Enforcement Statistics and Trends. Of complaint allegations received by the Board, 51% are labeled Incompetence/Negligence. Of that 51%, 30-40% move forward to discipline.

Agenda Item 23B: Review of Fiscal Year 2017-2018 First/Second/Third Quarters Performance Measures from the Department of Consumer Affairs

Mr. Alvarez reported on the quarter 1, quarter 2, and quarter 3 Performance Measures for fiscal year 2017-2018.

Agenda Item 24: Licensing, Certifications, and Permits Committee Report on Closed Session

Dr. Lai, Chair of the LCP, reported that the Committee met in closed session regarding applications for issuance of new license(s) to replace cancelled license(s) and whether or not to grant, deny, or request further evaluation for a CS Permits as it relates to an onsite inspection and evaluation failure.

Dr. Lai reported the LCP committee recommends issuance of a new dental license to replace a cancelled dental license with the condition of successfully passing of the California Dentistry Law and Ethics Written Examination for the following candidates:

1. LB
2. KD
3. JJ
4. EK
5. GS

Dr. Lai reported the LCP committee recommends issuance of a new dental license to replace a cancelled dental license with the condition of successfully passing of the California Dentistry Law and Ethics Written Examination and WREB or clinical exam for the following candidate:

1. TH

Dr. Lai reported the LCP committee recommends suspension and denial of reissuance of the CS Permit due to failure of the evaluation twice. The candidate can apply in the future:

1. TT

Dr. Lai reported the LCP committee recommends issuance of a new RDA license to replace a cancelled RDA license with the condition of successfully passing of the Combined California Registered Dental Assistant Law and Ethics Written and the Registered Dental Assistant Written Examination for the following candidates:

1. RB
2. EL
3. CO
4. JL
5. AM

Dr. Lai reported the LCP committee recommends issuance of a new dental license to replace a cancelled dental license without restrictions for the following candidates:

1. KS
2. LD
3. PB

Dr. Lai reported the LCP committee recommends issuance of a new RDA license to replace a cancelled RDA license with the condition of successfully passing a board approved 2-unit course of infection control for the following candidate:

1. MT

Dr. Lai reported the LCP committee recommends issuance of a new RDA to replace a cancelled RDA license held until completion of CE credits, successfully completion of the Combined California Registered Dental Assistant Law and Ethics Written and the Registered Dental Assistant Written Examination and a 2-unit course of Infection Control for the following candidate:

1. NB

Dr. Lai reported the LCP committee recommends issuance of a new RDA dental license to replace a cancelled RDA license held until completion of Continuing Education units, successfully completion of the Combined California Registered Dental Assistant Law and Ethics Written and the Registered Dental Assistant Written Examination and a basic Life support course for the following candidate:

1. TB

Dr. Lai reported the LCP committee recommends issuance of a new RDA license to replace a cancelled RDA license held until completion of 25 CE credits and a basic life support course for the following candidates:

1. IC

Dr. Lai request that the Board accept the recommendations of the LCP Committee.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram	✓				
Lai	✓				
Larin	✓				
Le				✓	
McKenzie				✓	
Medina				✓	
Morrow				✓	
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

LCP Committee's recommendations are accepted.

Agenda Item 25: Public Comment on Items Not on the Agenda

None

Agenda Item 26: Board Member Comments on Items Not on the Agenda

Ms. Burton stated that she and Dr. Le will attend the Oral Health Committee summit to launch the Oral Health Plan for 2018-2028.

Dr. Chan asked for a future agenda item for orthodontic treatment by correspondence.

Dr. Morrow had previously requested future agenda item regarding part-time and full-time faculty status.

Agenda Item 27: Adjournment

The meeting adjourned at 2:46 p.m.